

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Linda D. Artman *et al.*

Title: TREATING A VARIETY OF PATHOLOGICAL CONDITIONS,  
INCLUDING SPASTICITY AND CONVULSIONS, BY EFFECTING A  
MODULATION OF CNS ACTIVITY WITH ISOVALERAMIDE,  
ISOVALERIC ACID, OR A RELATED COMPOUND

Appl. No.: 10/614,344

Filing Date: 07/08/2003

Examiner: Unknown

Art Unit: Unknown

**TRANSMITTAL COVER SHEET**

Mail Stop - PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ [ X ] Petition to Make Special Under 37 C.F.R. § 1.102 (2 pages).
- ☒ [ X ] Copies of documents filed on February 3, 2004, include: Stamped Post Card; Amendment Transmittal (2 pages); Associate Power of Attorney (1 page); and Supplemental Preliminary Amendment (3 pages).
- ☒ [ X ] Check No. 34399 in the amount of \$130.00 for the Petition Fee is enclosed.
- ☒ [ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,



Date 27 February 2004

By Reg. No 48,571

FOLEY & LARDNER

Customer Number: 22428

Telephone: (202) 672-5404

Facsimile: (202) 672-5399

for

Stephen B. Maebius

Attorney for Applicants

Registration No. 35,264



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Linda D. Artman *et al.*

Title: TREATING A VARIETY OF PATHOLOGICAL CONDITIONS, INCLUDING SPASTICITY AND CONVULSIONS, BY EFFECTING A MODULATION OF CNS ACTIVITY WITH ISOVALERAMIDE, ISOVALERIC ACID, OR A RELATED COMPOUND

Appl. No.: 10/614,344

Filing Date: 07/08/2003

Examiner: Unknown

Art Unit: Unknown

**PETITION TO MAKE SPECIAL  
UNDER 37 C.F.R. § 1.102**

Mail Stop - PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02, subsection XII (*Special Status for Applications Relating to Biotechnology Filed by Applicants Who Are Small Entities*), applicants hereby request that the above-captioned application be granted special status and examined expeditiously. In support of this Petition, applicants submit the following under lettered headings that correspond with the lettered paragraphs of M.P.E.P. § 708.02 subsection XII.

**A. Small Entity Status**

Applicants have established small entity status in the above-referenced application, as evidenced by the Preliminary Amendment filed on February 3, 2004. Copies of the Preliminary Amendment and associated documents are enclosed.

**B. Major Asset of a Small Entity**

The assignee of the application, NPS Pharmaceuticals, Inc. ("NPS"), has initiated a Phase IIa clinical trial with isovaleramide, the subject matter of this patent application. NPS also is working towards taking isovaleramide into further clinical trials for the treatment of epilepsy and other

disorders. As a result, the subject matter of the instant patent is a major asset of NPS.

**C. Impairment to Development of Technology**

The development of the technology of the instant invention will be significantly impaired if the examination of this application is delayed. Development of the technology depends in part on the ability of the assignee to attract funding and/or collaborators. Investors and partners are not interested in funding nonproprietary technologies, however. Thus, for the assignee to adequately develop the technology, it is critical that patent rights for this invention be granted quickly.

This petition is accompanied by a check for the \$130.00 petition fee, required by 37 C.F.R. § 1.17(h).

Respectfully submitted,



By Reg No 48,571

Date 27 February 2004

FOLEY & LARDNER  
Customer Number: 22428  
PATENT TRADEMARK OFFICE  
Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

For Stephen B. Maebius  
Attorney for Applicant  
Registration No. 35,264

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.



FOLEY LARDNER  
ATTORNEYS AT LAW

MR  
3  
Atty. Dkt. No. 085747/0245

Commissioner for Patents:

Please acknowledge receipt of the above-identified documents by applying the U.S. Patent and Trademark Office receipt stamp hereto.

Applicant: Linda D. Artman et al.

Title: TREATING A VARIETY OF PATHOLOGICAL CONDITIONS, INCLUDING SPASTICITY AND CONVULSIONS, BY EFFECTING A MODULATION OF CNS ACTIVITY WITH ISOVALERAMIDE, ISOVALERIC ACID, OR A RELATED COMPOUND

Appl. No.: 10/614,344

Art Unit: Unknown

Examiner: Unknown

Filing Date: 07/08/2003

INCLUDES:

1. Amendment Transmittal (2 pages).
2. Associate Power of Attorney (1 page).
3. Supplemental Preliminary Amendment (3 pages).

Date Due: NA

Date Filed: February 3, 2004

Return To: SABE/BGM/mjl

Insp. By: \_\_\_\_\_

1 by Wendy Huber